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March 19, 2004

Mr. John Mott-Smith
California Secretary of State
Chief, Elections Divisions
1500 11th Street, 5th Floor
Sacramento, California 95814

Dear John:

As you know, the recently enacted "AB190" legislation allows any voter in a county to go to any precinct in their county and vote a provisional ballot. When that provisional ballot is processed at the elections office, any common races with the voter's actual precinct and the precinct that the voter voted in, according to AB190, should be counted. As you also know, this legislation went into affect January 1, 2004.

The current version of GEMS software that was certified for use by the California Secretary of State for the March 2nd primary election, 1.18.18, was developed in June of 2003 predating the AB190 legislation. The result is for provisional ballots cast on our DREs, we currently have no provisions to manage this piece of legislation. The provisional security features in GEMS 1.18.18 prevents the county from associating the provisional ID number with the ballot image, thus there is no way for the county to print out their provisional ballots.

For the March 2nd election, the inability to print AB190 provisional ballots that were cast electronically affects Kern, San Diego and San Joaquin Counties.

To resolve this situation, we request from your office the conditional approval of GEMS 1.18.20.3 which includes the functionality to print the provisional ballots. This requested conditional approval would only be for this past primary election and only for those counties.

The first step of this suggested process would be to make a copy of the election database, print out the provisional ballots for the AB190 voters using GEMS 1.18.20.3. The printed ballot images would then be duplicated and tallied back into the actual election database. The second step would be to delete the copy of the database and remove GEMS 1.18.20.3 from the server computer. The actual election database will not be affected nor will it be run with the new version of GEMS.

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Not printing out the ballot images would mean thousands of provisional ballots that are in GEMS databases cannot be tallied. As an example, San Diego has over 5,000 of these AB190 voters who have provisional ballots in the system.

Since we learned of this technical situation, we have spent many hours trying to develop a solution based on previously certified software. Unfortunately, because of the security features in the GEMS 1.18.18 software there are no other alternatives.

If there is any additional information we can provide, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert J. Urosevich". The signature is fluid and cursive, with the first name being the most prominent.

Robert J. Urosevich
President

CC: Dawn Melhaff, Deputy Chief, Elections
Steve Freeman, Granite Creek Technology